

Exhibit 3

Declaration of Nick Hunter

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**UNITED STATES DISTRICT COURT
OF THE DISTRICT OF OREGON
PORTLAND DIVISION**

**DISABILITY RIGHTS OREGON,
METROPOLITAN PUBLIC DEFENDER
SERVICES, INC., and A.J. MADISON ,**

v.

**DAVID BADEN, in his official capacity as head
of the Oregon Health Authority, and DOLORES
MATTEUCCI, in her official capacity as
Superintendent of Oregon State Hospital,**

Plaintiffs,

**Civ. No. 3:02-cv-00339-MO (Lead
Case)**

**Case No.: 3:21-cv-01637-MO
(Member Case)**

**Declaration of Nick Hunter in
Support of Marion County's
Second Motion to Intervene**

Defendants.

Declaration of Nick Hunter

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

I. I serve as the Marion County Sheriff. My job duties include overseeing and managing all Sheriff's Office operations, including the Marion County Jail.

**Declaration in Support of
Marion County's
Second Motion to Intervene**

2. The Marion County Sheriffs Office ("MCSO") employs Institutions deputies whose duties include transporting adults in custody to and from the Oregon State Hospital (OSH) who have been determined to be unable to "aid and assist" in their criminal cases and have been ordered by state circuit court judges to OSH for in patient restoration services.

3. MCSO is not affiliated in any way with OSII. To the extent that we work with OSII to coordinate transports, those transports are pursuant to court order. In September of 2022, the MCSO was notified that the timelines for restoration of individuals at the OSH had been shortened. The transport deputies incorporated these shortened timelines into their tracking sheets, but otherwise the process of arranging classification and transport to and from OSH has not changed.

4. Both transport from the jail to OSH and transport back to the jail from OSH of "aid and assist" individuals is conducted pursuant to court order, I am aware that parties in a federal lawsuit alleged at one time that MCSO "actively thwart[ed]" this order.

5. The September 1, 2022, order did not address the transport issue. All orders the Sheriffs Office has received regarding transport of "aid and assist" individuals to OSH since September 1, 2022, have been issued by state circuit court judges.

6. Pursuant to these orders, deputies work to conduct transports. Between September 22, 2022 and August 2023, the MCSO transported approximately 121 individuals to OSH and approximately 101 individuals from OSH back to the Marion County jail, totaling approximately 222 separate transports.

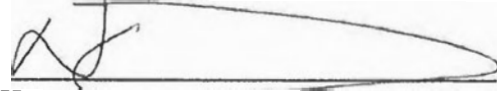
7. The 2002 Order required OSH to admit individuals for inpatient restoration within 7

days. The September 1, 2022 order imposed a maximum limit on the time that an individual can be subject to inpatient restoration at OSH. The March 6, 2024 Order prohibits outpatient restoration treatment after the maximum inpatient restoration time.

8. During the delay in admission to inpatient restoration and when residential Secure Residential Treatment Facility ("SRTF") beds are unavailable, the individuals awaiting admission or placement take up valuable jail resources, such as bed space, and in some cases pose risks of harm to jail staff and liability to the County.

9. Likewise, because there are no alternatives, individuals in need of community restoration may remain at jail, where they cannot be provided those services and similarly pose risks of harm to jail staff and liability to the County.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 28 day of March, 2024.

A handwritten signature in black ink, appearing to be 'N. Hunter', written over a horizontal line.

Nick Hunter
County Sheriff